

GREENVILLE CITY COUNCIL MINUTES

September 11, 2006
Greenville, NC

The Greenville City Council met in a regular meeting on the above date at 6:00 p.m. in the City Council Chambers, third floor of City Hall, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Dr. Calvin Malafyt and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Council Member Larry Spell
Assistant City Manager Thom Moton
City Attorney Dave Holec
City Clerk Wanda Elks

APPROVAL OF AGENDA

Motion was made by Council Member Craft and seconded by Council Member Dunn to approve the agenda as presented. Motion carried unanimously.

CONSENT AGENDA

Motion was made by Council Member Glover and seconded by Mayor Pro-Tem Council to approve the consent agenda as presented, with the addition of some additions to the minutes of August 7, 2006. Motion carried unanimously.

1. Minutes from the August 7 and 10, 2006 City Council Meetings
2. Resolution accepting dedication of rights-of-way and easements for Fornes Run, Lots 8B and 10-12; Langston Farms, Phase 7, Section 1, and Phases 8A and 8B; Tyson Farms, Section 2; and Windsor, Section 10, Phase 5 (Resolution No. 06-41)
3. Resolution authorizing an application to the Governor's Highway Safety Program for the Region 1-B Law Enforcement Liaison grant (Resolution No. 06-42)
4. Contract award for the Red Oak Subdivision Storm Drainage Improvements Project (Contract No. 1529)
5. Ordinance amending the City of Greenville Assignment of Classes to Salary Grades and Salary Ranges (Pay Plan) (Ordinance No. 06-86)

PRESENTATIONS BY BOARDS AND COMMISSIONS

Youth Council

Mr. Parteek Singla, Vice Chairman of the Greenville Youth Council, presented the Annual Report for the Youth Council, stating that it meets the second and fourth Monday of each month. The Youth Council has partnered with the Pitt County Substance Abuse Coalition and Citizens United Against Violence. Since its inception, the Youth Council has attended the National League of Cities Conference in North Carolina, sponsored a teen social for Youth Council members and their friends, served as volunteers at the City's Kid Fest and Spring Clean-Up event, served as volunteers at the City's National Night Out Against Crime, and sponsored a car wash at Wal-Mart. The Youth Council is working diligently to sponsor a youth summit to discourage underage drinking among our youth. The summit will take place in November of this year. The date and location of the summit will be announced at a later date. The Youth Council served as volunteers for the Juvenile Diabetic Walk on November 4, 2005. Car washes will be held at Wal-Mart as fundraisers to help the Council financially contribute to events it plans to participate in. The diversity in membership has taught them how to respect and appreciate each other's culture. The fourth Monday of each month has been designated as Diverse Youth Talk, where each member of the Council is encouraged to invite a friend of a different race or ethnicity to the meeting to provide an opportunity to meet and make new friends.

Historic Preservation Commission

Mr. Jeremy Jordan, Chairman of the Historic Preservation Commission, stated that they have facilitated the Facade Improvement Program. In Spring 2006, \$14,076 was awarded to local businesses. Since 1998, more than \$168,000 has been awarded. Since 2004, grants have leveraged almost \$550,000 in improvements in the downtown area. There were some district landmarks designated this year. Skinnerville/Greenville Heights area was added to the National Register of Historic Places in January as an honorary designation. Federal and state tax credits are available for renovations in the area. The Historic Preservation Commission recently had a consultant complete a research report for the Charles Horne house in Skinnerville. The State Preservation Office will review the report and help the Commission determine whether the house is worthy of becoming a local landmark. The Historic Preservation Commission normally does two nominations per year; however, the second choice this year did not respond and the other was in the process of being sold. Four Historic Preservation Commission Awards were presented this year. The Commission has had eight certificates of appropriateness which homeowners have to apply for when major improvements are made. They have approved 22 minor works applications for general maintenance that does not change the appearance. There have been several projects for additions of garages, which is new construction. The Historic Preservation Commission has a new Design Review Committee for the homeowners to see before they begin renovations. The Commission is working on public education, including having numerous public education methods for homeowners, realtors, etc., updating and sending brochures to property owners in the historic area, and updating the website. The web content will build on efforts to make things available to the public, provide maps for the historic district, and highlight Historic Preservation Commission and the City's projects and accomplishments. The Historic Preservation Commission is planning a 2007 spring workshop

and will try to have a leader in preservation to speak. It is also working on signage for all historic districts. Mr. Jordan applauded the City's efforts to become a Keep America Beautiful Community.

Mayor Parrott asked if Mr. Jordan has any information on the Humber House, and he indicated that several rounds of plans have come to the Historic Preservation Commission for review. They have already replaced the roof. They are going to redo the entire outside of the house. It is a slow process because of being a State property and being a historic property. It is underway.

Mayor Parrott suggested that anyone taking the tax credits consult their tax advisor.

Mr. Jordan stated that in order to get the tax credit, there is \$25,000 of work that has to be done.

ORDINANCE EXTENDING THE TERM OF THE CABLE TELEVISION FRANCHISE -
APPROVED ON FIRST READING; SECOND READING SCHEDULED FOR SEPTEMBER
14, 2006

City Attorney Dave Holec stated that the current cable television franchise with Cebridge Acquisition expires on September 23, 2006, which is the end of the 15-year term of the franchise agreement originally entered into with Multimedia Cablevision, Inc., in 1991. The City was in the process of franchise renewal negotiations when the General Assembly passed legislation stating that after January 1, 2007, a city may not award or renew a franchise for cable service. With this legislation, there is no longer an incentive for Cebridge to seek the franchise renewal. Cebridge has determined that it will seek the State franchise as soon as it is legally able to receive it. In order to bridge the time period between the expiration date of the current franchise and the date when Cebridge will be able to obtain a State franchise, Cebridge has agreed to an extension of the existing franchise on its current terms and conditions until December 31, 2006. This will allow Cebridge to operate on an extended franchise rather than operating on an expired franchise. The extension of the franchise is on the same terms and conditions of the current franchise. As part of the extended franchise, Cebridge has agreed to provide a grant in the amount of \$25,000 to the City for public, educational and government access channel purposes. This amount was determined by considering what the City will receive for PEG channel purposes under the State legislation. Cebridge was not obligated to do this, but agreed to the amount as being fair and equitable. Approval of the extension will require approval of the ordinance on two readings, the first being tonight and the second being on September 14. The ordinance considered by Council on first reading read as follows:

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ORDINANCE EXTENDING THE TERM OF THE CABLE FRANCHISE AGREEMENT
BETWEEN THE CITY OF GREENVILLE, NORTH CAROLINA
AND CEBRIDGE ACQUISITION L.P.

WHEREAS, Cebridge Acquisition L.P. (the “Franchisee”) owns, operates, and maintains a cable system serving the City of Greenville (the “City”) pursuant to the Greenville Cable Communications Regulatory Ordinance adopted September 12, 1991, (the “Cable Ordinance”), a

franchise agreement dated September 6, 1991, (the "Franchise"), the Ordinance Approving the Assignment of the Cable Communications Franchise adopted April 13, 2006, (the "Assignment Ordinance"), the Transfer Agreement dated April 10, 2006, (the "Transfer Agreement"), and the Memorandum of Understanding dated April 10, 2006, (the "Memorandum");

WHEREAS, the City and Franchisee entered into informal franchise renewal negotiations pursuant to §626 of the Communications Act (47 U.S.C. §546), as amended, and during these informal renewal negotiations, the State of North Carolina adopted Session Law 2006-151 which provides that, effective January 1, 2007, the Secretary of State is designated as the exclusive franchising authority in North Carolina for cable service provided over a cable system and, after this date, a city may not award or renew a franchise for cable service; and

WHEREAS, the City has determined that it is appropriate and in the best interest of the City to amend the Franchise to extend its term until the Franchisee is able to receive a franchise from the Secretary of State;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA AS FOLLOWS:

Section 1. The term of the Franchise between the City and the Franchisee is hereby amended to extend the current Franchise until December 31, 2006. After December 31, 2006, the term of the Franchise will, without further action by the City or the Franchisee, extend an additional day on a daily basis until the Franchisee shall deliver to the City a written notice of the termination of the Franchise which, upon delivery, will terminate the Franchise and which may be delivered by the Franchisee to the City at any time after December 31, 2006, but in no event shall the term of the Franchise extend beyond January 31, 2007. All other provisions of the Franchise shall continue in full force and effect during the extension period.

Section 2. The Franchisee shall continue to assume all obligations and liabilities of the Franchise, the Cable Ordinance, the Assignment Ordinance, the Transfer Agreement, the Memorandum, and this Ordinance, including, without limitation, all obligations of the Franchisee as are currently required to be performed, but have not been performed.

Section 3. The approval of the extension shall not in any way waive, diminish or otherwise affect adversely any right that the City has, may have, or may at any time or in any manner subsequently acquire, with respect to any matter, including, without limitation, the right of the City to require compliance with the terms of the Franchise, the Cable Ordinance, the Assignment Ordinance, the Transfer Agreement, the Memorandum, and this Ordinance including, without limitation, all obligations of the Franchisee as are currently required to be performed, but have not yet been performed.

Section 4. The Franchisee has agreed to and shall provide the City with twenty five thousand dollars (\$25,000) for public, educational, and government access channel purposes within thirty days of the effective date of this Ordinance.

Section 5. The City and the Franchisee expressly reserve all rights they may have under local, State and Federal law including, without limitation, §626 of the Communications Act (47 U.S.C. §546), as amended, with respect to the Franchise.

Section 6. The Franchisee has agreed to the conditions specified in this Ordinance and shall execute and deliver to the City an extension agreement which includes the above conditions in form and substance satisfactory to the City Attorney, which extension agreement shall be executed by the City.

Section 7. The Mayor of the City is authorized to execute any agreements or other documents necessary or appropriate to implement this Ordinance.

Section 8. This Ordinance shall be effective upon passage at two regular meetings of City Council in accordance with the provisions of North Carolina General Statute 160A-76.

First reading passed on this the 11th day of September, 2006.

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Motion was made by Council Member Craft and seconded by Council Member Little to approve the ordinance extending the terms of the cable franchise on first reading. Motion carried unanimously.

REVIEW OF SEPTEMBER 14, 2006 CITY COUNCIL AGENDA

The Council did a cursory review of the agenda items and boards and commission appointments on the September 14, 2006 agenda. The Community Development Director was asked to provide more information on the item regarding rescinding an application presented to the Pitt County Board of Commissioners.

Mr. Merrill Flood reminded the Council that at the March 9 City Council meeting, staff asked for approval from Council to ask for an extension of the extraterritorial jurisdiction. In keeping with a 1999 agreement and sewer service, it was contingent on the land use plan. The County then did not adopt planning corridor land use controls; however, they did adopt zoning in 2003. In 2006, City staff asked Council permission to extend the extraterritorial jurisdiction to Grindle Creek, which was granted. Staff approached the County and asked for permission to go to Grindle Creek for a number of reasons. The 1999 agreement called for the City to go up to two miles, which Grindle Creek is approximately that two miles. There is some difference of opinion as to what the agreement called for. There are a lot of vacant tracts, but the introduction of sanitary sewer may change that. The plan was for the City to have control of that area once the extraterritorial jurisdiction was extended. Greenville Utilities would still have to approve sanitary sewer. This item was first heard by the Board of Commissioners in June, and it asked the County Planning Board for guidance. Public hearings were held in July and August, and there was some sentiment and a lot of comments from the residents that the City not extend the extraterritorial jurisdiction. The Planning Board did not recommend extension at all, and the vote was nearly unanimous. The agreement calls for one thing and the Planning Board recommends that it not be extended

beyond the current limits. Because of this, staff requests that the City temporarily rescind the request until they have further discussions with the County.

Upon being asked how far the sewer lines go, Mr. Flood replied that they go to the Town of Bethel.

Assistant City Manager Moton reminded the Council that there will be a joint meeting with the Washington City Council at Bradford Creek on October 23.

Assistant City Manager Moton suggested the addition of two items to the September 14, 2006 agenda: Item No. 20--Memorandum of Understanding with East Carolina University for provision of services, lease of building, and site management at the West Greenville Community Intergenerational Center and Item No. 21--Purchase of former St. Gabriels Catholic Church property.

Motion was made by Council Member Craft and seconded by Council Member Spell to add those two items to the September 14, 2006 agenda. Motion carried unanimously.

COMMENTS FROM MAYOR AND CITY COUNCIL

Council Member Glover reminded the Council of the Police Community Relations Committee meeting to be held on September 13 at 7:00 p.m. in the third floor conference room of the Police Department and of the Affordable Housing Loan Committee to be held on September 13 at 3:00 p.m. in the third floor conference room of City Hall. She also stated that her heart goes out to the families and victims of September 11.

Council Member Dunn echoed the comments made by Council Member Glover regarding 9/11. She thanked the Greenville Museum of Art for the art they provide for City Hall. She gave examples of how the City is becoming "high tech"--the Citizens' action line, 329-CITY, the webstreaming which is beginning tonight, and the web-based complaint system.

Mayor Pro-Tem Council expressed appreciation to Community Christian Church for the three-day Making a Difference conference for the 12-18 year olds. There were a couple of thousand youth and their families at the events. September is National Sickle Cell Month. She asked people to pray for people with that disorder.

Larry Spell thanked the Chief of Police for coming to the Town Hall meeting he had for his district on September 5. He also stated that a constituent called him with a concern about his neighbor shooting a hunting bow in the backyard. The Police Department indicated to this person that it is legal to do so. He suggested that the Council amend Section 12-1-3 of the City Code which prohibits the firing of bb guns, firearms, etc. in the City to include hunting bows. He made a motion to add to the Thursday night agenda discussion of adding hunting bows to the list of prohibitions in Section 12-1-3 of the City Code. Motion was seconded by Council Member Dunn and carried unanimously.

Council Member Spell stated that he has been thinking about ways to get to a situation of respect

for Dr. Martin Luther King, the local history and the neighborhoods. Dr. King will be respected with the highway and preserving Fifth Street respects local history. To respect the neighborhoods, if Martin Luther King, Jr. Drive becomes East Fifth Street, the City needs to do something to transition the current residents and buildings so that they will be impacted as little as possible. Council Member Spell requested that this be added to the September 14 agenda--possibility of options to provide assistance to people who currently have Martin Luther King, Jr. Drive as an address and to have a celebration of local history, specifically, civil rights history. He asked that other options to show respect be looked at as well, such as signage and markers, and collaboration with local artists. Another fitting way to think about local history and the path it takes is to have all of Fifth Street named the Best-Irons Civil Rights Historic Path to give an opportunity to celebrate local history, specifically civil rights history. Council Member Spell asked that this be put on the September 14, 2006 agenda.

Mayor Parrott suggested that the Council wait to see how the County and the Department of Transportation handle this before making a decision.

Council Member Glover stated that there are discussions about local history going on in the community and they are in writing. Citizens should be involved in the process, as they have ideas on how to handle this.

Council Member Spell suggested that it could simply be discussed on Thursday, with no decision being made.

After brief discussion, it was decided to postpone this until a later date.

CITY MANAGER'S REPORT

The Assistant City Manager had nothing to report.

ADJOURNMENT

Motion was made by Council Member Little and seconded by Council Member Spell to adjourn the meeting at 8:00 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk